

## **EAST AYRSHIRE COUNCIL**

**CENTRAL LOCAL PLANNING COMMITTEE: 1 JUNE 2001**

**98/0372/FL :DEMOLITION OF EXISTING VACANT NURSING HOME AND ERECTION OF TWO  
FLATTED PAVILION BLOCKS AND 98/0378/CA: PROPOSED COMPLETE DEMOLITION OF  
EXISTING VACANT BUILDINGS  
AT 30-32 LONDON ROAD, KILMARNOCK  
BY SILVERDALE DEVELOPMENT LTD**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Conservation Area Consent is sought for the complete demolition of the existing vacant buildings and full planning consent for the erection of two flatted pavilion blocks. It is proposed to demolish the existing Nursing Home and construct two flatted blocks in what is termed a pavilion design. The blocks will be situated symmetrically in the new plot. In terms of scale the new blocks are wider and deeper proportioned than the immediate neighbouring houses but are of a similar height although they are more accurately described as 2 ½ storeys in height. Each block will provide 12 flats, 11 two bed roomed and 1 three bed roomed apartments.

1.2 In the supporting correspondence the applicants agent has confirmed that the design of the blocks has been developed not as a pastiche of the style currently evident on London Road but rather as an acknowledged response to these elements, but presented in a contemporary style. Finishing materials are detailed as slate roof, reconstituted stone on the principle elevations and render on the side and rear.

1.3 The proposal also involves a new vehicular access from London Road between the two blocks extending to the rear where will be provided parking for the flats and an area of amenity space for the enjoyment of prospective residents. Wheelie bin collection point areas are located to the front of the building. 24 car parking spaces are provided for residents and 16 visitor car parking spaces to the rear of the site. The existing stone boundary walls around the perimeter of the site will be retained. Garden ground will be provided to the rear and front of the site. The trees to the front of the site will be retained.

#### **2. RECOMMENDATION**

2.1 It is recommended that the Conservation Area Consent application 98/0378/CA should be approved subject to notification to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997.

2.2 It is further recommended that planning application 98/0372/FL should be approved subject to the conditions on the attached sheet.

### **3. SUMMARY OF ANALYSIS**

3.1 As indicated above in paragraph 5, the applications are not considered to be contrary to the Development Plan. Therefore given the terms of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As is indicated in paragraph 6 above there are material considerations relevant to the proposals. The EALP is largely supportive of the above proposal. Information has been forwarded by the applicant regarding the existing building. The existing buildings are unlisted, have been vacant for a number of years with their condition deteriorating. They are not of significant importance to the streetscape, due to a number of extensions carried out in the 1970's and 1980's and it is considered that their demolition is justified. Concerns have been raised by Historic Scotland regarding the demolition of the existing buildings and they would like the buildings returned to two separate villas with the middle extension demolished. The applicant has demonstrated that this is not a viable option. The Scottish Civic Trust, the Architectural Heritage Society of Scotland and a number of individuals all have similar concerns and they are also concerned about the design and layout of the new development. It is considered that these concerns are not justified as the new build will provide a contemporary development which will not adversely affect the Outstanding Conservation Area and will contribute to the renewal of the area.

**Alan Neish**  
**Head of Planning and Building Control**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

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**Report by Head of Planning and Building Control**

### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for determination a Full planning application and an application for Conservation Area Consent which are to be considered by the Local Planning Committee under the scheme of delegation due to the scale of development proposed and because they are subject to objections.

## 2. APPLICATION DETAILS

2.1 **Site Description:** The application site is the former houses of No 30-32 London Road, Kilmarnock, now known as Silverdale Nursing Home. Historically, these properties were separate, the original Silverdale being No. 30. In the 1970's and 80's various applications were approved which included extensions to the buildings. As a result the property is now one building with various constituent elements based on the original character of the houses.

Several years ago significant changes in the Nursing Home market resulted in Silverdale Nursing Home becoming redundant almost overnight and it has since been vacant. Currently the building sits in a state of increasing disrepair, still in its own extensive grounds with a walled garden to the rear which is overgrown and includes a dilapidated glasshouse. Several significant trees are still in the garden. The four trees in the front are protected by a Tree Preservation Order. The buildings are not Listed but are on the north side of London Road in the London Road Outstanding Conservation Area. Adjacent properties are predominantly residential, the immediate neighbours being extensive two storey villas in their own grounds. Immediately to the south across London Road lies a hotel on the corner of Glebe Road.

2.2 **Proposed Development:** Conservation Area Consent is sought for the complete demolition of the existing vacant buildings and full planning consent for the erection of two flatted pavilion blocks. It is proposed to demolish the existing Nursing Home and construct two flatted blocks in what is termed a pavilion design. The blocks will be situated symmetrically in the new plot. In terms of scale the new blocks are wider and deeper proportioned than the immediate neighbouring houses but are of a similar height although they are more accurately described as 2 ½ storeys in height. Each block will provide 12 flats, 11 two bedrooled and 1 three bedrooled apartments.

2.3 In the supporting correspondence the applicants agent has confirmed that the design of the blocks has been developed not as a pastiche of the style currently evident on London Road but rather as an acknowledged response to these elements, but presented in a contemporary style. Finishing materials are detailed as slate roof, reconstituted stone on the principle elevations and render on the side and rear.

2.4 The proposal also involves a new vehicular access from London Road between the two blocks extending to the rear where will be provided parking for the flats and an area of amenity space for the enjoyment of prospective residents. Wheelie bin collection point areas are located to the front of the building. 24 car parking spaces are provided for residents and 16 visitor car parking spaces to the rear of the site. The existing stone boundary walls around the perimeter of the site will be retained. Garden ground will be provided to the rear and front of the site. The trees to the front of the site will be retained.

## 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have advised that they have no objections to the proposal provided that the public footpath is resurfaced along the frontage of the site after the construction work.

***A condition can be attached to any grant of planning consent to meet the Roads Division requirements.***

3.2 West of Scotland Water have confirmed that they have no objection to the proposal advising that there are available connections to both the public water mains and sewerage systems. During demolition care must be taken to prevent silt/debris from entering the system. The developer may be able to reuse the foul connection to the existing property although he will require to establish its condition.

***A note can be attached to any grant of consent advising the applicant of West of Scotland Water's requirements.***

3.3 Scottish Environment Protection Agency have no objection to the proposal on the understanding that the foul drainage is connection to the public sewer.

***Noted.***

3.4 The Coal Authority have no adverse comments to make regarding the proposed development.

***Noted***

3.5 Historic Scotland confirmed they are extremely concerned at the prospect of losing the original buildings and believe that they should be restored thus returning them to their former glory. The proposal demonstrates that the demolition of the buildings of quality is quite unacceptable. The irreversible removal of the existing buildings can only be justified if the agents can provide clearly defined and extraordinary reasons that are based on planning issues rather than economic problems associated with commercial development. They argue whatever the quality of the new build it clearly cannot achieve this as well as the existing buildings which are contemporary in style, scale and materials to the neighbouring buildings in this part of the street. The proposals ignore Section 7 of the Memorandum of Guidance which states 'subjective claims that the architectural or townscape quality of a proposed replacement building will be greater than that of the building presently on site do not in themselves justify change'. They suggest that this development would provide absolutely no gain to the fabric of Kilmarnock. They are concerned that the Planning Authority might be influenced by paragraph 6 of page 2 of the Memorandum which states "on a more positive and optimistic note they do feel that an opportunity exists here to create a new residential facility which relates sympathetically to the existing urban environment and contributes to the natural continuing change to the urban fabric of Kilmarnock. They suggest that speculation about the sympathetic qualities of the new development are a matter of taste and irrelevant when considering the removal of a significant section of an established streetscape. Natural change should allow for adaptation rather than destruction of the urban fabric of the town.

***The comments of Historic Scotland are acknowledged. The applicant has submitted financial information to show that conversion of the existing buildings is uneconomic. The applicant's agent has stated that maximising the sites commercial development is not their primary concern but to effect a solution of excellence on this site while not suffering financial loss. This solution is by no means the most profitable to pursue but is the most appropriate. The buildings are valued at their last use as a converted nursing home which is no longer viable. The buildings whilst generally sound in external fabric, have been extensively altered internally and reconversion would be an extremely expensive exercise. No party is willing to convert the existing properties at this time. The proposed development provides a contemporary design solution by using the proportion, scale and design features of the original buildings on London Road within a modern designed building. The dormer features within the roof bring a modern design feature to the building. On balance it is considered that the new***

***development is acceptable in this location and would integrate within the streetscape of London Road by not disrupting the continuity of the street. This would allow a favourable recommendation to be forwarded regarding the demolition of the existing buildings.***

3.6 The Scottish Civic Trust strongly object to the demolition of two fine villas. They raise the issue of returning the buildings involved to their former glory and keeping them as two houses as these buildings have enough architectural merit to warrant retention and repair. Their setting is made up of a street lined with stone villas of similar scale, some of which are Category B listed buildings. Demolition of these buildings would disrupt the continuity of this area which has remained to date unscathed. They are concerned that the proposed new buildings would not “contribute positively to the quality of the built environment.” They would recommend the repair and adaptive reuse of the existing buildings rather than their demolition.

***See response to paragraph 3.5***

3.7 The Architectural Heritage Society of Scotland have objected to the demolition and replacement development. They confirm that they consider the new build proposals to be wholly inappropriate for this area on the following issues; scale is too large, details of windows and dividing elements disrupt the existing qualities of the neighbouring villas. The replacement building will not equal the quality of the existing villas or enhance the existing visual continuity of the area.

***See response to paragraph 3.5***

3.8 Piersland/Bentinck Community Council have objected to the proposals because the two flatted pavilion blocks would be out of harmony with the existing buildings in the area. Some trees may be cut down and they need some reassurance that is indeed not the case.

***It is considered that the new development will be largely in keeping with the existing buildings on London Road in terms of height, scale, design and materials. The trees at the front of the site will be retained. Some trees at the rear will require to be felled to allow construction of the car park.***

3.9 East Ayrshire Council Parks Department have stated that there are two Tree Preservation Orders in place on site extending to four trees, two in the front garden of each original plot. The submission does confirm the retention of the tree in No. 32 London Road but the loss of one tree in the grounds of No. 30.

***Representatives from the Parks Department have confirmed that it may be possible to retain trees towards the back in the garden of No. 30 and this should be secured by condition, if the Committee is of a mind to approve the application.***

#### **4. REPRESENTATIONS AND ISSUES RAISED**

Nineteen letters of objection (which includes objection from Piersland and Bentinck Community Council, the Scottish Civic Trust and the Architectural Heritage Society of Scotland as detailed in paragraphs 3.6, 3.7, 3.8 of the report), and a petition signed by 49 persons have been submitted. The grounds of objection are as follows:

4.1 The loss of the attractive period stone buildings would have a detrimental impact on the area.

***Noted, however the relative merits of the original two villas are somewhat diluted by the later extensions which detract from the building.***

4.2 The proposal for the two new flatted blocks are inappropriate in terms of size, design and scale and are out of keeping with the character of adjacent housing.

***Noted. The applicants have confirmed that the scale and density and consequent number of units of the development is due to the economics of the entire project. They also acknowledge that the design is different from the immediate neighbours but it is considered on balance that the design and scale is of sufficient quality to be acceptable in the Conservation Area. The size of the development does not have an adverse impact on adjacent properties and can be accommodated satisfactorily within the site.***

4.3 The existing buildings should be retained and all non-original extensions to side and rear of both properties should be demolished.

***The proposal before the committee is for a comprehensive redevelopment of the site and whilst it is acknowledged by the applicants agent that Silverdale is not structurally unsound the cost of returning the building to two large houses as per its original would result in a financial shortfall. This fact has been put to the Department of Homes and Technical Services for checking and has not been disputed.***

4.4 The proposal which includes the formation of a new vehicular access to serve the proposal will constitute a traffic hazard. It is opposite a junction which is very busy with parents driving and walking children to and from school.

***Noted. The Councils Roads and Transportation Division have confirmed that they have no objections the proposal.***

4.5 The proposal constitutes an over-development of the site in terms of numbers of flats. The resultant numbers of residents and cars parked to the rear will disrupt the amenity of adjacent housing with the sound of engines and subsequent fumes in the adjacent garden.

***In terms of the Councils open space requirements the proposal fails to meet these standards. However, in urban areas there is scope for a relaxation on these matters if the proposal merits such an approach. It is considered on balance that this proposal justifies such an exception. The proposed development can be accommodated satisfactorily within the site without generating a detrimental impact on the amenity of adjacent residential properties or the visual quality and character of the area. The level of disruption likely to be generated by the proposal is considered to be acceptable and the existing high stone walls bounding the site will be retained thus reducing the impact.***

4.6 The proposal will result in overlooking problems and loss of privacy and light into neighbouring private gardens.

***Despite the scale and additional depth of the proposed buildings there are no significant overlooking issues to the gardens to the rear of the site. The relationship to the adjacent houses at both sides is however more sensitive but has been addressed in particular through the detailing of the buildings with opaque window finishes to the side***

**windows and bedroom windows being successfully oriented in a manner to minimise this particular problem. The development proposed will not have an adverse impact on the privacy and light of adjacent residential properties.**

4.7 The rear parking area is excessive and will mean that the area will be effectively a car park, the use of which will be detrimental to the amenity of the adjacent properties.

**The area allocated for parking is a consequence of the number of flats proposed. Its layout will not have an adverse impact on the area. The impact of the car parking area has been reduced by the adjacent trees and garden ground and surrounding boundary walls.**

4.8 The principle of demolishing the poor extensions to the original buildings is welcomed but the original buildings should be returned to their former glory.

**This is not the proposal before the Committee, but supporting information on this particular option was put forward and that information confirmed whilst it would be perhaps the most appropriate aesthetic solution, economically it is not viable. The present proposals before the Committee have to be assessed on their own merits.**

4.9 The proposed buildings are too high when compared to adjacent buildings, and will consequently appear alien in their context.

**The height of the buildings has been lowered quite significantly since the initial submission and now, in terms of height they are comparable with immediate neighbours. The main consequence of this amendment has been the reduction of the size of the upper floor units they being now subsumed into the roof through the introduction of dormer windows.**

4.10 There are numerous trees in the rear the loss of which would detract from the area.

**There are areas where groups of trees and shrubs have been established either by intent or accident, several of these are in need of management; certainly the proposal will result in the loss of a number of trees and shrubs. It is intended to retain certain trees where appropriate and augment the area with new planting by attaching a condition to any grant of planning consent. The trees to the front of the site protected by TPO will be retained.**

4.11 Increased flows to an ageing sewer system. Possible over capacity to the Sewer system.

**West of Scotland Water have not raised any adverse comments regarding the proposed development.**

4.12 Fears that 24 flats will be used for the Social Services Department for single parents and the homeless which in turn attract undesirable characters to the detriment of any established community.

**This is not a material planning consideration.**

4.13 Silverdale Developments Ltd are a recently formed company. Do they have sufficient finance to complete the works?

***This is not a material planning consideration.***

4.14 The proposal will mean a large increase in depth compared to the existing building.

***The new development will have more depth than the existing buildings on the site. However, it is considered that the new buildings will not have an adverse impact on the adjacent properties.***

4.15 The Council has a policy of no back building ie. building a house in large gardens behind existing London Road houses. This development is in the form of backland development as the rear block of flats will be well behind the existing back line of existing houses.

***The present proposal has been assessed against the Council's policy guidance in Section 6 of the report.***

4.16 In addition to objections, one letter of support has been submitted in respect of the proposed demolition of the existing buildings on site claiming the buildings are an eyesore and the area will benefit from their removal.

***Noted.***

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Adopted Ayrshire Joint Structure Plan and the Adopted Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against policies 4.7.2 and 4.8.4. Policy 4.7.2 states that in all Conservation Areas, there shall be a presumption against the erection of, demolition of or alteration to any building which in the opinion of the Planning Authority is detrimental to the character of the Conservation Area. Policy 4.8.4 provides a list of design criteria which address various considerations ranging from building form, materials, windows/doors, to roofs and dormer and attic extensions. The main aim of both these policies is to retain the character of the Conservation Area.

***It might be suggested that the proposal to demolish the two villas is contrary to the term of Policy 4.7.2 as it potentially has a detrimental impact on the Conservation Area. However, these two villas have been extensively altered both internally and by the erection of extensions in the 1970's and 1980's. These alterations detract from the visual quality of the original two villas. Therefore as the existing buildings stand, their demolition would not be detrimental to the Conservation Area. The design, siting and materials of the new buildings are in keeping with quality of the Outstanding Conservation Area. The new development is considered not to be detrimental to the Conservation Area as it will add a development which does not detract from the surrounding residential properties. The design and materials of the new development would be compatible with the design criteria of Policy 4.8.4 as a slate roof***

***is proposed, timber sash and case windows and the use of reconstituted stone on principle elevations. The proposed dormer extensions are an unusual design feature not found on other properties in the immediate area however it is considered they provide a modern design feature which compliments this historic street. On balance, the proposal is compliant with the Adopted Plan.***

## **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

6.1 The other principal material considerations relevant to the determination of these applications are the East Ayrshire Local Plan Finalised Version 1999 with Modifications (EALP), NPPG18 Planning and the Historic Environment and the Memorandum of Guidance on Listed Buildings and Conservation Areas, correspondence with the applicant, representations and consultation responses, impact on the amenity of the area/adjacent properties and planning history.

6.2 As stated above the Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the EALP should be considered a prime material consideration. In terms of the above the proposal requires to be assessed against the following policies; ENV2, ENV4, RES 4 and RES 22.

6.3 Policy ENV 2 actively encourages the retention, restoration, renovation and re-use of listed buildings, unlisted buildings in Conservation Areas and other locally important, especially traditional older properties, throughout the area. There will be a presumption against the demolition or partial demolition of all such properties. Policy ENV4 will seek to ensure that all development within or affecting the setting of a Conservation Area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible, all proposals should seek to preserve, enhance or incorporate features, which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned. These policies aim to preserve buildings of historic or architectural importance and ensure new development is sympathetic to areas of architectural and historic interest.

***The proposal to demolish the existing buildings is contrary to Policy ENV2 which presumes against demolition. However given that the buildings are unlisted, have been vacant for a number of years with their condition deteriorating and due to extensive alterations which have been carried out that detract from the streetscape, it is considered that their demolition may be appropriate, if an acceptable redevelopment scheme is proposed. In terms of Policy ENV 4 the new buildings are wider and deeper proportioned than the immediate neighbouring houses but are of a similar height. The new build is not a pastiche of the style of buildings on London Road but has taken various design features and presented them in a contemporary style. It is considered on balance that the proposed design and materials of the development would not detract from the visual quality of this Outstanding Conservation Area and the proposal is compliant with ENV 4.***

6.4 Policy RES4 states within settlement boundaries, that the Council will positively encourage the sympathetic residential development of gap, infill or other redevelopment sites not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed against the following criteria:

- (i) Impact on the surrounding natural and built environment and adjacent uses;

- (ii) Transportation and infrastructure implications;
- (iii) Compatibility with surrounding densities and housing types; and
- (iv) Compliance with the Council's Development Promotion and Design Guidance.

The main aim of this policy is to bring areas of vacant and often derelict land into active use and to improve amenity of an area and to consolidate the existing built environment.

***The issue of design and the scale of the new development has been the subject of extensive discussion and correspondence with the applicant. The applicant has submitted an amended proposal, which has been lowered in height and it is considered acceptable. It offers an opportunity for a contemporary solution as a replacement of unsympathetically extended buildings which currently detract from the quality of the area. RES4 confirms criteria that require to be complied with in terms of residential proposals in gap or infill sites. In respect of these criteria item (iii) is complied with. Although the two new buildings will be wider and deeper than the adjacent buildings, the scale and proportion of the new build is compatible with the surrounding properties. In terms of criteria (ii) the Council's Roads Division have not raised any adverse comments to the proposed development. The design, scale, siting and materials of the new development are in keeping with the character of the Outstanding Conservation Area and will not have a detrimental impact on the adjacent properties or the area. The proposal is compliant with Policy RES 4.***

6.5 Policy RES 22 requires the developer to provide the minimum private open space criteria and standards detailed in Schedule 4 of the local plan. The standards may be relaxed at the discretion of the Council in respect of the conversion of existing properties into flats.

***The proposed development fails to meet the open space requirements however an exception to policy can be justified in this instance due to the nature and form of the development being proposed. Useable areas of open space have been provided for the flats to the front and rear of the site.***

6.6 National Planning and Policy Guideline 18 – “Planning and the Historic Environment” states in paragraph 38 that planning authorities in making decisions should ensure that the development is of a high quality in terms of construction and design.

***It is considered that the proposal has merit in both those considerations.***

The authority should additionally pay regard to siting, density, scale, massing, proportions, material, landscape, setting, access, local design, characteristics and the historic character of adjacent buildings and the surrounding areas.

***However it should be borne in mind that the existing Silverdale currently breaches these considerations. The new development provides a contemporary design solution by using the proportion, scale and design features of the adjacent building within a modern designed building which remains sympathetic to the Outstanding Conservation Area.***

NPPG18 continues by stating that in considering development proposals that affect the character or appearance of a Conservation Area the Planning Authority must pay special attention to the desirability of preserving or enhancing the character of the designated area. If any proposal would conflict with the objective of preserving or enhancing the character or appearance of the designated area there should be a presumption against the granting of permission.

***It is considered that the proposed development would not have an adverse impact on the visual quality of the Conservation Area as detailed in paragraph 3.5.***

6.7 Advice is also provided by the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 (MG). The MG states that in some cases demolition may be thought appropriate for example if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost or if its form or location makes its reuse, extremely difficult. Where demolition is to be followed by redevelopment of the site, consent to demolish should in general be given where there are acceptable proposals for the new building. It should be borne in mind that the MG states that applications to demolish unlisted buildings in the Conservation Area should be supported wherever possible by evidence of an attempted sale on the open market; and evidence of the buildings structural condition.

***The applicant has provided evidence that the conversion of the existing buildings is not financially viable and that demolition and new build is the more realistic option. The applicants agents have not at any time claimed the building is structurally unsound. They have however clarified that the cost of the more ideal solution in architectural terms (return to two large houses) would result in a shortfall of £82,417. The applicants have also assessed a scenario comprising the conversion of the existing buildings to residential providing 7 flats and that project resulted in a shortfall of £416,389. Information detailing a breakdown of the costs, which included as a later addition fresh evidence of structural work that would be necessary to the existing buildings, has been checked independently and found to be reasonable. The second figure in particular would appear to explain in part the decline which affected the Nursing Home; its subsequent additional deterioration has obviously made its retention more unattractive. The nature of the development proposed allows a favourable recommendation to be forwarded regarding demolition of the existing buildings. It will provide an appropriate and viable quality development.***

The MG confirms that planning authorities should in deciding whether consent to demolish should be granted take account of the importance of the building to the character or appearance of the Conservation Area and continues stating that a positive attempt should ideally be made to achieve the buildings retention, restoration and sympathetic conversion to another compatible use before proposals to demolish are investigated.

***A series of extensions to Silverdale can be said to detract from the visual quality of the original buildings and the surrounding area.***

6.8 Planning History: As discussed above the planning history of Silverdale is a material consideration. It should be borne in mind that the proposal to erect a substantial two storey extension in the grounds has been explored previously under Kilmarnock and Loudoun Ref No. KL/E/FL/88/192B and KL/E/FL/88/182C respectively. Both these applications proposed large (almost free standing) extensions in the rear grounds of Silverdale and both were refused on environment grounds and impact on the conservation area. These decisions were appealed to the Scottish Office who after close consideration agreed with the Council decision on these occasions. It is considered

that this current application differs significantly from those applications in that the rear building line is not breached to the same degree and the impact on adjacent uses is significantly less.

6.9 As detailed in Section 4 of the report there are a number of objections to the development. Their comments can be split into distinct groups; demolish the poor extensions and return to two detached houses and the design and impact of the new build. These concerns have also been echoed by the Scottish Civic Trust, Architectural Heritage Society of Scotland and Historic Scotland in their consultation responses. It is considered from the information submitted regarding condition of the existing buildings and the financial viability of retaining the existing building that the demolition of the existing buildings is justified. With regard to the new build its design and siting does not detract from the visual quality of the Outstanding Conservation Area. The objector's concerns regarding tree loss, finishing materials and direct impact on immediate neighbours has been addressed by the design and siting of the new buildings or can be addressed by attaching conditions to any grant of consent.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in determining this application.

## **8. CONCLUSION**

8.1 As indicated above in paragraph 5, the applications are not considered to be contrary to the Development Plan. Therefore given the terms of Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As is indicated in paragraph 6 above there are material considerations relevant to the proposals. The EALP is largely supportive of the above proposal. Information has been forwarded by the applicant regarding the existing building. The existing buildings are unlisted, have been vacant for a number of years with their condition deteriorating. They are not of significant importance to the streetscape, due to a number of extensions carried out in the 1970's and 1980's and it is considered that their demolition is justified. Concerns have been raised by Historic Scotland regarding the demolition of the existing buildings and they would like the buildings returned to two separate villas with the middle extension demolished. The applicant has demonstrated that this is not a viable option. The Scottish Civic Trust, the Architectural Heritage Society of Scotland and a number of individuals all have similar concerns and they are also concerned about the design and layout of the new development. It is considered that these concerns are not justified as the new build will provide a contemporary development which will not adversely affect the Outstanding Conservation Area and will contribute to the renewal of the area.

## **9. RECOMMENDATION**

9.1 **It is recommended that the Conservation Area Consent application 98/0378/CA should be approved subject to notification to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997.**

**9.2 It is further recommended that planning application 98/0372/FL should be approved subject to the conditions on the attached sheet.**

**Alan Neish**  
**Head of Planning and Building Control**

23 May 2001

(IW/MS/SA)  
(FV/DVM)

## LIST OF BACKGROUND PAPERS

1. Application form/plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of objection and support.
5. Correspondence from/to the applicant.
6. Kilmarnock Adopted Local Plan.
7. East Ayrshire Local Plan Finalised Version with modifications.
8. NPPG18: Planning and the Historic Environment.
9. Memorandum of Guidance on Listed Buildings and Buildings in Conservation Areas 1998.

Anyone wishing to inspect the above papers please contact Ian Walker on (01563) 576769.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

98/0372/FL

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Site of Proposal:	30/32 London Road KILMARNOCK
Nature of Proposal:	Proposed Demolition of Existing Vacant Nursing Home/Erection of Two Flatted Pavilion Blocks
Name & Address of Applicant:	Silverdale Developments Ltd 3 Fitzroy Place GLASGOW G3 7RH
Name & Address of Agent:	Keir and Fraser Architects 21 Sandyford Place GLASGOW G3 7NG

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DPOs Reference: IW/MMM

The above FULL application should be granted subject to the following conditions:-

1. The proposed development shall be carried out in accordance with the application form received on 05 June 1998 and the amended plans received by the Planning Authority on 11 May 2000.

REASON To ensure that development is carried out in accordance with the approved details.

2. A landscaping scheme including the treatment of the boundary of the site and areas for public open space shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out.

REASON To ensure that adequate provision of public open space is provided, to an adequate standard, and that it is subsequently maintained, in the interest of residential and visual amenity.

3. Details of the proposed boundary treatment of the site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

4. Details submitted in relation to Condition No 3 above shall provide for the retention of existing boundary walls unless otherwise agreed by the Planning Authority.

REASON In the interests of visual and residential amenity.

5. No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the written consent of the Planning Authority.

REASON In the interests of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

6. Notwithstanding the plan hereby approved details/samples of all the external finishing and surfacing materials to be used including the reconstituted stonework, window details and drainpipes shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity.

7. Notwithstanding the plans hereby approved, details/samples of the timber sash and case windows to be used shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity.

8. No construction work, site clearance or preparation works shall take place before 07.00 hours and after 17.00 hours on Mondays to Saturdays nor at any time on Sundays.

REASON In the interests of residential amenity.

9. The access road and public road adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate.

REASON In the interests of road safety.

10. Details for the re-establishment/re-surfacing of the footway along the frontage of the application site shall be submitted for the approval of the Planning Authority and implemented prior to the occupation of the first flat in accordance with the approval given.

REASON In the interests of road safety and visual amenity.

11. The visitor and resident's car parking spaces shall be provided prior to the occupation of the first flat and shall be used for the parking of cars only.

REASON To ensure the provision of car parking spaces in the interest of residential amenity and road safety.

12. No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees agreed to be retained further to Condition 5 above. The fencing shall enclose either:

- (a) the area described by the limit of the spread of the branches of the tree;
- or
- (b) a radius of 5 metres from the trunk of the tree, whichever is the greater.

Such fencing shall be maintained during the course of development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON To ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity.

#### NOTES

1. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
2. The applicant shall make early contact with West of Scotland Water, 35 Glenburn Road, Prestwick, KA9 2NS Telephone (01292) 677400 regarding permission to connect to the public sewerage system.

TP24

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

98/0378/CA

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Site of Proposal:	30/32 London Road KILMARNOCK
Nature of Proposal:	Proposed Complete Demolition of Existing Vacant Buildings
Name & Address of Applicant:	Silverdale Developments Ltd 3 Fitzroy Place GLASGOW G3 7RH
Name & Address of Agent:	Keir and Fraser Architects 21 Sandyford Place GLASGOW G3 7NG

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The above CONSERVATION AREA application should be granted subject to the following conditions:-

1. No demolition works relative to the existing buildings on site, shall be undertaken until the Head of Planning and Building Control has had sight of and has confirmed in writing that he is satisfied that a contract has been placed for the erection of the two flatted pavilion blocks in accordance with Planning Permission.

REASON To ensure that no demolition takes place before there is certainty that the approved re-development will take place.

2. No site clearance work shall take place before 07.00 hours and after 17.00 hours on Monday to Saturday nor at any time on Sundays.

REASON In the interests of residential amenity.

3. The access road and public road adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate.

REASON In the interests of road safety.

4. No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees agreed to be retained further to Condition 5 above. The fencing shall enclose either:

- (c) the area described by the limit of the spread of the branches of the tree;
- or
- (d) a radius of 5 metres from the trunk of the tree, whichever is the greater.

Such fencing shall be maintained during the course of development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON To ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity.

### **Note to Applicant**

1) The developer should take care to maintain any existing water/sewerage services crossing the demolition site. During the works, care must be taken to prevent silt/debris from entering the system from whatever source. The developer may be able to re-use the tail to the existing property, although he will require to establish its condition. The applicant shall make early contact with West of Scotland Water, 35 Glenburn Road, Prestwick, KA9 2NS (01292 677400).

2) The applicant should contact the Royal Commission on the Ancient and Historical Monuments of Scotland, John Sinclair House, 16 Bernard Terrace, Edinburgh, EH8 9NX (0131 662 1456), at least three months prior to the commencement of demolition works to enable "the Commission" to record the building.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**

**AGENDA**